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SERVICE DATE - APRIL 1, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-33 (Sub-No. 186X)

UNION PACIFIC RAILROAD COMPANY–
ABANDONMENT EXEMPTION–IN MARTIN COUNTY, MN

Decided: March 28, 2002

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR 1152 Subpart F–Exempt Abandonments and Discontinuances of Service and Trackage Rights to abandon a 1.83-mile rail line over the Trimont Industrial Lead from milepost 140.57 to milepost 142.4 near Trimont, in Martin County, MN. Notice of the exemption was served and published in the Federal Register on March 1, 2002 (67 FR 9501-02). The exemption is scheduled to become effective on April 2, 2002.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on March 1, 2002. In the EA, SEA states that the Minnesota Pollution Control Agency (MPCA) has expressed several concerns regarding the possible impacts the proposed abandonment may have on the right-of-way. MPCA specifically states that: (1) impacts to streams, rivers, lakes, and wetlands from erosion and storm water runoff should be avoided where possible, or mitigated as much as possible, to lessen any potential adverse impacts. Mulching, seeding, and sodding should be done to establish permanent ground cover and to stabilize soil disturbed by construction activities in the vicinity of surface water (lakes, streams, wetlands, and drainage ways) and implemented without the use of fertilizers containing phosphorus; (2) the site erosion control plan should be designed by the U.S. Department of Agriculture Soil Conservation Service and/or the County Soil and Water Conservation District and be a separate bid item in the specification for the project; (3) if there are any switching areas located in the project area, it is recommended that a thorough inspection of those areas for any possible oil spills should be conducted; and (4) UP should provide information on where and how the railroad ties that are to be removed from the abandoned line would be used or disposed of. Therefore, in response to these concerns, SEA recommends that a condition be imposed requiring UP to consult with MPCA prior to salvage operations to address MPCA's concerns.

SEA also states that the Department of the Army, St. Paul District, Corps of Engineers (Corps), has requested additional information from UP concerning the proposed abandonment. The Corps requests that if the project involves work in wetlands, UP provide the Corps with a map and construction/grading plans that show the project location and details, and limits of the proposed work. The Corps also states that the temporary placement of fill material into a waterbody/wetland for purposes such as temporary stream crossings, bypass roads, cofferdam

construction, or storage sites may require a permit from the Corps. Therefore, SEA recommends that UP consult with the Corps, St. Paul District, prior to abandonment and salvage of the right-of-way to determine if the proposed project is consistent with applicable Federal, state and local water quality standards, and if permits are required under section 404 of the Clean Water Act.

The recommended conditions will be imposed. This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that, prior to conducting salvage operations, UP: (1) consult with the MPCA to address MPCA's concerns; and (2) consult with the Corps, St. Paul District, to determine if the proposed project is consistent with applicable Federal, state and local water quality standards, and if permits are required under section 404 of the Clean Water Act.

2. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary